

Effective 5/10/2016

77-20-8.5 Sureties -- Surrender of defendant -- Arrest of defendant.

- (1)
 - (a) Sureties may at any time prior to a defendant's failure to appear surrender the defendant and obtain exoneration of bail, by notifying the clerk of the court in which the bail was posted of the defendant's surrender and requesting exoneration. Notification shall be made immediately following the surrender by surface mail, electronic mail, or fax.
 - (b) To effect surrender, a certified copy of the surety's undertaking from the court in which it was posted or a copy of the bail agreement with the defendant shall be delivered to the on-duty jailer, who shall detain the defendant in the on-duty jailer's custody as upon a commitment, and shall in writing acknowledge the surrender upon the copy of the undertaking or bail agreement. The certified copy of the undertaking or copy of the bail agreement upon which the acknowledgment of surrender is endorsed shall be filed with the court. The court may then, upon proper application, order the undertaking exonerated and may order a refund of any paid premium, or part of a premium, as it finds just.
- (2) For the purpose of surrendering the defendant, the sureties may:
 - (a) arrest the defendant:
 - (i) at any time before the defendant is finally exonerated; and
 - (ii) at any place within the state; and
 - (b) surrender the defendant to any county jail booking facility in Utah.
- (3) An arrest under this section is not a basis for exoneration of the bail bond under Section 77-20b-101.
- (4) A surety acting under this section is subject to Title 53, Chapter 11, Bail Bond Recovery Act.

Amended by Chapter 234, 2016 General Session